



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 17

In re Application of
Romano Mark *et al*
Application No. 09/824,838
Filed: April 4, 2001
Attorney Docket No. 8932-392

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: DECISION ON PETITION
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This is a decision on the petition filed on May 11, 2004 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely and proper reply to the final Office action dated May 12, 2003. The petition is being considered pursuant to 37 CFR 1.181, and no fee is required for the petition.

The petition is granted.

Petitioners allege that the application is not abandoned because a timely and proper reply to the Office letter in question was in fact filed on July 30, 2003. Petitioners have supported this allegation by furnishing a copy of the reply and a copy of a post card receipt showing that the reply was in fact received in the Office on July 30, 2003, a date within the time set for filing a reply to the Office letter in question. Based upon this showing, it is evident that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply filed on July 30, 2003, and will thereafter be forwarded to the examiner for appropriate action.

PETITION GRANTED.


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